IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 2020 of 2000

Shri Suresh Shamarao Parate .. Petitioner.
V/s.
State of Maharashtra & Ors. .. Respondents.

Mr. R.K. Mendadkar for the Petitioner.
Mr. C.R. Sonawane, AGP. for the Respondent Nos. 1 to 3.

CORAM : S. RADHAKRISHNAN &
DR. D.Y. CHANDRACHUD, JJ.
DATED : 24.11.2004.

P.C.:-

1. Heard the learned counsel for the Petitioner and the learned Additional Government Pleader for the Respondent Nos. 1 to 3. By this Petition, the Petitioner is challenging the order dated 5.4.1999 passed by the Committee for Scrutiny & Verification of Tribe Claim, Nagpur.

2. At the outset, Mr. Mendadkar, the learned counsel for the Petitioner pointed out that the Petitioner did not receive any notice whatsoever with regard to the three dates of hearing, which is purportedly given by the said Scrutiny Committee, i.e. 26.11.1998, 18.1.1999 and 5.3.1999.

3. We have perused the Petition. In paragraph 7 (iii) of the Petition, the Petitioner has categorically stated that the Petitioner did not receive any of the notices either from the Respondent No. 2 Committee or from the Zilla Parishad. Under these circumstances, the Petitioner contends that the Petitioner did not purposely

remain absent on the aforesaid dates.

(2)

4. In the Affidavit-in-Reply, filed on behalf of the Respondent No. 2, there is no denial of categorical averment made by the Petitioner that he was not served with the notice with regard to the aforesaid three dates of the hearing. In fact, in paragraph no. 9, the Respondent No. 2 Committee has stated that the Petitioner or his Employer had not furnished the registered address of the Petitioner to the said Scrutiny Committee. Under these circumstances, only on the limited ground that the Petitioner has not been given a fair opportunity of hearing, we quash and set aside the order dated 5.4.1999 and remand back the matter to the Respondent No. 2 to consider the same afresh, strictly on it’s own merits and in accordance with law.

5. The learned counsel for the Petitioner states that the Petitioner will appear before the Respondent No. 2 Committee on 10.12.2004, on which date the Committee will fix schedule of hearing and complete the hearing and pass an appropriate reasoned order afresh. This exercise shall be completed by the Respondent No. 2, as expeditiously as possible, preferably on or before 31.3.2005.

(S. RADHAKRISHNAN, J.)

(DR. D.Y. CHANDRACHUD, J.)